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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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GEN-PROBE INCORPORATED,

Plaintiff,

VS.

VYSIS, INC.,

Defendant.

-----X

NO.99cv2668 H (AJB)

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CONFIDENTIAL

Videotaped Deposition of
JONATHON MICHAEL LAWRIE, Ph.D.
Durham, North Carolina
Thursday, February 15, 2001

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Reported by:

Sydney C. Silva, Registered Professional Reporter

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Ex. 7 Pg. 48

1 Was a reference to PCR intentionally 14:35:24
2 omitted from the patent to the best of your 14:35:27
3 understanding? 14:35:29
4 A. I don't know. 14:35:30
5 Q. Were there discussions about whether or 14:35:31
6 not to include a reference to PCR in the patent? 14:35:32
7 A. I can't remember. 14:35:36
8 Q. So at Amoco you had a thought about 14:35:47
9 combining target capture with PCR, is that right? 14:35:51
10 A. Yes. 14:35:54
11 Q. Gene-Trak then did work in an effort to 14:35:55
12 combine target capture with PCR, is that right? 14:35:58
13 A. From seeing this here, yes. 14:36:03
14 Q. Do you have a recollection of that? 14:36:05
15 A. No. 14:36:07
16 Q. If there's no reference in the patent to 14:36:07
17 combining target capture with PCR, do you have any 14:36:09
18 explanation as to why it is not there? 14:36:13
19 A. I believe that it was a separate -- the 14:36:15
20 thought behind this was coming up with new methods 14:36:17
21 of amplification, not old ones. 14:36:19
22 Q. And you would, for the purposes of what 14:36:31
23 you just said, you classify PCR as an old method of 14:36:32
24 amplification? 14:36:36

Ex. 3 Pg. 50

1 A. PCR itself was described in the patent, 14:36:37
2 yes, issued patent. 14:36:40

3 Q. And your understanding of the 338 patent 14:36:41
4 was that it was directed to other methods of 14:36:44
5 amplification? 14:36:47

6 A. The, it was, it was directed to the 14:36:48
7 methods disclosed by, you know, the methods 14:36:54
8 separate from PCR. 14:36:59

9 Q. Those being the methods, for example, as 14:37:07
10 the methods set forth in Example 6 and 7? 14:37:10

11 A. Yes. 14:37:14

12 Q. Is it your understanding that the 338 14:37:20
13 patent then doesn't encompass the combination of 14:37:22
14 target capture and PCR? 14:37:28

15 MR. BANKS: Object to the form. 14:37:30

16 A. I couldn't say. 14:37:31

17 Q. I'm sorry? 14:37:32

18 A. I couldn't say. 14:37:32

19 Q. Was it your intention that it encompass 14:37:33
20 the combination of target capture and PCR? 14:37:38

21 A. I don't know. I can't remember what the 14:37:40
22 intention was in regards to PCR. 14:37:41

23 Q. However, your recollection of why -- of 14:37:49
24 if there's no -- your explanation of why there 14:37:50

Ex. 3 Pg. 51